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HONOURABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO:10346 of 2002

DATED:27-10-2006

Between:

Ravi Narasimha Rao

..... PETITIONER

AND

1. The Deputy Registrar of Co-operative Societies, W.G. District at Eluru and 4 others.

.....RESPONDENTS

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ORAL ORDER:

It appears that the petitioner is a member of the 5th respondent-society. He was granted a Tractor loan of Rs.2,00,000/-. According to the petitioner, he paid all the amounts due and when he paid the final instalment on 28-05-2002, it was informed to the petitioner that he is due some more amount i.e., an amount of Rs.40,000/-. On 30-05-2002, the respondents 3 and 4 tried to seize the tractor purchased by him. Therefore, he filed the present writ

petition.

It is his case that no notice of any kind or enquiry as to the liability of the petitioner was conducted either under Section 71 of the A.P. Cooperative Societies Act, 1964 (for brevity 'the Act') or otherwise.

In the counter-affidavit filed by the 1st respondent, it is stated that it is not true to say that the 1st respondent has visited the office of the 5th respondent in the month of May, 2002 and tried to seize all the records available in its office. In fact, the petitioner never brought to the notice of the 1st respondent any grievance against the loan amount paid to the society.

The writ petition in this shape is not maintainable. The petitioner could have raised a dispute under Section 61 of the Act for redressal of his grievance. Instead of doing so, the petitioner has directly approached this Court. I am in full agreement with the submissions made by the learned counsel for the respondent in this regard. Whenever there is any dispute between the society and its member i.e., the petitioner and the 5th respondent, it is always open for the petitioner to raise a dispute under Section 61 of the Act before the appropriate authority and workout the remedy.

In view of the above, the writ petition is disposed of directing the petitioner to raise a dispute under Section 61 of the Act before

the competent authority. On raising such a dispute, the competent authority shall entertain and dispose of the same within a period of three months from the date of filing of such petition by the petitioner. No order as to costs.

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27th October, 2006

SKM